

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

ABDUL MALIK BEY)
)
Plaintiff,)
)
v.) CV423-011
)
STATE OF GEORGIA, and)
BRIAN KEMP,)
)
Defendants.)

REPORT AND RECOMMENDATION

Pro se litigant Abdul Malik Bey has filed a Complaint alleging “unlawful restraint of Plaintiff’s personal liberty and freedom of movement” *See* doc. 1 at 2. Bey alleges that he “is a Moorish American National,” and “is not to be arrested nor held for detention under any ‘colorable’ circumstances, and is exempt from any other hindrance or restriction of his freedoms, rights of travel, or movement on, in, or within any member or non-member states of the United States Union, etc.” *Id.* Notwithstanding the apparent frivolity of Bey’s

allegations,¹ he has failed to either pay the Court's filing fee or move to proceed *in forma pauperis*. The Clerk notified him of the deficiency and directed him to respond. Doc. 2. Bey has not responded. *See generally* docket.

This Court has the authority to prune cases from its dockets where parties have failed to prosecute their cases. *See* Fed. R. Civ. P. 41(b); *see also* *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir. 1983); *Floyd v. United States*, CV491-277 (S.D. Ga. June 10, 1992). Bey's case should thus be **DISMISSED** without prejudice for failing to prosecute.

This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy

¹ Courts have recognized that "claims based on Moorish nationality or authority . . . are indicative of the completely discredited 'Sovereign Citizen' theory," and subject to dismissal as frivolous. *See, e.g., Bey v. Circuit Court of Nineteenth Judicial Circuit Saint Lucie Cnty.*, 2022 WL 16840241, at *2 n. 3 (S.D. Fla. Oct. 6, 2022).

on all parties. The document should be captioned “Objections to Magistrate Judge’s Report and Recommendations.” Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge’s findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonette v. V.A. Leasing Corp.*, 648 F. App’x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App’x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 6th day of February, 2023.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA